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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,721	08/15/2001	Max Douglas Oyler	9D-DW-19866	1672

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John S. Beulick
Armstrong Teasdale LLP
One Metropolitan Sq., Suite 2600
St. Louis, MO 63102

EXAMINER

WILKENS, JANET MARIE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,721

Applicant(s)

OYLER ET AL.

Examiner

Janet M. Wilkens

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claim Rejections - 35 USC § 102/103

Claims 1-21 are rejected under 35 U.S.C. 102(e) as anticipated by Nam or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nam in view of Kraines et al. Nam teaches an outer door panel (Fig. 1; prior art figure) comprising: a frame (20) with lateral sides, an outer surface extending from the frame and bowed between the sides (see Fig. 1; bend of outer panel), and an angled recessed control panel/escutcheon (30) extending from the outer surface and between the lateral sides. The outer surface extends between the control panel and top edge of the frame ("top" when the door is open). Although a recessed inwardly spaced and shielded control mounting surface is not specifically disclosed or shown, in order for the control panel to be positioned in the door panel, such a surface would be necessary. However, even if this were not the case, to provide a control mounting surface in a door panel for a control panel to sit would have been an obvious consideration to one of ordinary skill in the art, so that the control panel is mounted within the door panel and flush with the outer surface thereof. See reference of Kraines, for example, wherein the control panel (20) is mounted in a recessed inwardly spaced and shielded member of a dashboard (24). For claims 14 and 17, Nam further teaches an inner door panel (see Fig. 3).

For claims 3, 14, and 17, Nam fails to teach that the door is specifically on a dishwasher. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to use this type of door on any of a number of different appliances, including dishwashers, depending on the desired need of the person

designing/constructing the appliance. Like refrigerator doors, dishwasher doors commonly have control panels thereon (see cited prior art).

For claims 4, 13 and 20, Nam fails to teach that the outer surface of the door is specifically made of metal. However, it would have been obvious to one of ordinary skill in the art at the time of the invention make the door out of any of a number of different materials, including metal, depending on the desired need of the person designing/constructing the appliance, e.g. for aesthetic reasons, depending on the material readily available, etc.

For claims 5, 12 and 21, Nam fails to teach that the outer surface of the escutcheon is specifically made of plastic. However, it would have been obvious to one of ordinary skill in the art at the time of the invention make the escutcheon out of any of a number of different materials, including plastic, depending on the desired need of the person designing/constructing the appliance and/or its components, e.g. for aesthetic reasons, depending on the material readily available, etc.

Response to Arguments

Applicant's arguments filed July 16, 2003 have been fully considered but they are not persuasive.

Addressing the arguments that the control mounting surface of Nam is not recessed, shielded or extended inwardly from the outer surface of its frame: the examiner contends that in order for the upper surface of the control panel of Nam to be flush with the outer surface of the frame, its mounting surface (surface under control

panel 30) would have to be spaced inwardly/recessed therefrom. Please note that the reference of Kraines is used to show this type of control panel/mounting surface arrangement in detail, i.e. this reference is being applied in combination with Nam to provide visual evidence of this type of arrangement.


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (703) 308-2204. The examiner can normally be reached on Monday-Thursday.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Wilkens
October 2, 2003


JANET M. WILKENS
PRIMARY EXAMINER
AdU 3637